

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

HANOVER INSURANCE GROUP,

Plaintiff,

-against-

YRC, INC. d/b/a YRC FREIGHT d/b/a  
YELLOW CORPORATION,

Defendant.

MEMORANDUM & ORDER  
22-CV-7740 (NGG) (TAM)

NICHOLAS G. GARAUFIS, United States District Judge.

Pending before the court is Plaintiff's claim under the Carmack Amendment, 49 U.S.C. §14706. (Compl. (Dkt. 1).) Plaintiff failed to properly serve Defendant as required by Fed. R. Civ. P. 4(m). Magistrate Judge Taryn A. Merkl issued a *sua sponte* Report and Recommendation ("R&R") recommending dismissal of Plaintiff's action for failure to serve process. (*See generally* R&R (Dkt. 6))

No party has objected to Magistrate Judge Merkl's R&R, and the time to do so has passed. *See* Fed. R. Civ. P. 72(b)(2). Therefore, the court reviews the R&R for clear error. *See Velasquez v. Metro Fuel Oil Corp.*, 12 F. Supp. 3d 387, 397 (E.D.N.Y. 2014). Having found none, the court ADOPTS the R&R in full and, for the reasons stated in the R&R, ORDERS the cases be dismissed without prejudice pursuant to Rule 4(m). The Clerk of Court is respectfully directed to close this case.

SO ORDERED.

Dated: Brooklyn, New York  
October 16, 2023

s/Nicholas G. Garaufis  
NICHOLAS G. GARAUFIS  
United States District Judge